

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEWAYNE THOMPSON,
Plaintiff,
v.
L. ADDISON,
Defendant.

Case No. 1:22-cv-01545-JLT-HBK (PC)
ORDER STRIKING IMPROPER PLEADING
(Doc. No. 36)

Pending before the Court is Plaintiff's Opposition to Defendant L. Addison's Answer, filed June 14, 2024. (Doc. No. 36, "Opposition"). In his pleading, Plaintiff offers detailed responses to the averments and affirmative defenses asserted in Defendant's Answer. (*See generally id.*). Plaintiff also attaches more than 30 pages of exhibits to his Opposition. (*Id.* at 9-42). Plaintiff's Opposition is an improper pleading, and the Court will order the Clerk of Court to strike it from the record.

The Federal Rules of Civil Procedure designate proper pleadings. Fed. R. Civ. P. 7(a)(1)-(7). The Rules only provide for the filing of a reply to an answer if ordered by the Court. *Id.*, 7(a)(7). "A party must serve a reply to an answer within 21 days *after being served with an order to reply.*" Fed. R. Civ. P. 12(a)(1)(C) (emphasis added); *see also Harrison v. Linde*, 2013 WL 687074, at *2 (E.D. Cal. Feb. 25, 2013) (explaining that Rule 12(a)(1)(C) "only authorizes a reply to an answer when the court orders a reply.")

1 The Court did not issue an order directing Plaintiff to file a reply to Defendants' Answer.
2 Thus, the pleading is improper under Rule 7 and will be stricken.

3 Accordingly, it is hereby **ORDERED**:

4 The Clerk of Court is directed to STRIKE Plaintiff's Opposition to Defendant's Answer
5 (Doc. No. 36) as an improper pleading from the docket.

6
7 Dated: June 17, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE